THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5762 of 2005

Between:

Koruprolu Satyavathi and others. … Petitioners

and

The District Collector/Executive Director,
and others. … Respondents

ORDER:

Heard the learned counsel appearing for the petitioners. None appeared on behalf of the respondents.

Notice before admission was ordered on 28-03-2005. The writ petition was admitted on 13-06-2005. This court by order, dated 18-10-2005, directed to maintain status-quo obtaining as on 18-10-2005, with regard to Indira Awaas Yogana (for short "IAY scheme").

It is the case of the petitioners that they are the residents of Rolugunta Village and Mandal, Visakhapatnam District and they belong to B.C. community.

It is stated that the Government of India issued guidelines under IAY scheme, which came into effect from 01-04-2004. As per the said guidelines, the beneficiaries of each grampanchayat have to be identified by conducting a grama sabha.

It is stated that pursuant to the said guidelines, the 1st respondent passed order, dated 24-12-2004, stating that administrative sanction is accorded for 617 houses at the rate of Rs.25,000/- per house and accordingly, the 3rd respondent is requested to conduct grama sabha and furnish resolution along with beneficiary lists duly issuing patta/LPC only in the name of female member of the family, alternatively it can be issued in the joint name of wife and husband of the family as per GOI guidelines. Further, the 2nd respondent is entrusted with the execution of the said houses duly attending PRA exercise.

It is further stated that the 3rd respondent with the help of the 4th respondent prepared the list of beneficiaries containing 14 persons, who

belong to backward community on 18-01-2004 and forwarded to the 1st respondent, without following the guidelines issued by the Government of India under IAY Scheme. When the said fact was brought to the notice of respondents 3 and 4, they informed that they would convene a grama sabha to select the beneficiaries. But, without conducting any grama sabha, at the instance of the local M.L.As, some names have been deleted and some other names have been added in the list, dated 21-02-2005, and the same has been forwarded to the 1st respondent. Therefore, the list, dated 21-02-2005, which was forwarded to the 1st respondent, was prepared without conducting any grama sabha and, therefore, the same is liable to be set aside,

The learned counsel appearing for the petitioners submits that in fact the petitioners approached the 4th respondent and enquired about the issue in question. Accordingly, the 4th respondent issued a certificate, dated 05-03-2005, stating that the Rolugunta grampanchayat, Visakhapatnam District, has not convened any gramasabha for the past three years.

From the above facts and circumstances of the case, it is to be seen that the beneficiaries list, dated 21-02-2005, has been prepared without conducting any grama sabha and, therefore, the same is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the list, dated 21-02-2005, sent by the 3rd respondent to the 1st respondent. Further, the respondents are directed to act in accordance with the proceedings issued by the 1st respondent, dated 24-02-2004. The 3rd and 4th respondents are also directed to conduct grama sabha and forward the list of the beneficiaries to the 1st respondent, so as to enable the beneficiaries to

avail the benefit under IAY scheme. There shall be no order as to costs.

16-03-2007

Prv